
**BEFORE THE WHITPAIN TOWNSHIP
BOARD OF SUPERVISORS**

Applicant:

Michael Orpneck & Joan Lettieri

Property:

1961 Skippack Pike
Blue Bell, PA 19422

Parcel Nos:

66-00-06748-00-8

Application No.:

CU49-25

CONDITIONAL USE DECISION

FINDINGS OF FACT

1. On or about July 28, 2025, Michael Orpneck & Joan Lettieri (“Applicant”) submitted to the Whitpain Township Board of Supervisors (“Board”) an application for conditional use approval (“Application”) under the Whitpain Township Zoning Ordinance of 1950, as amended (“Ordinance”).
2. Specifically, the Application sought conditional use approval pursuant to Section 160-85.1 of the Ordinance related to the property located at 1961 Skippack Pike, Blue Bell, PA 19422 (“Subject Property”) to permit the addition of four (4) single-family detached dwelling units (“Project”).

3. On September 2, 2025, a hearing on the Application was held at a publicly-noticed meeting before the Board.
4. The Subject Property is within the R-7 – Residential District of Whitpain Township (“Township”).
5. Applicant is the owner of the Subject Property.
6. Section 160-85.1 of the Ordinance, in relevant part, permits the use of an “open space” design option by conditional use only when seeking a lot size reduction.
7. The Board met all of the requirements of the Ordinance and the Pennsylvania Municipalities Planning Code as to the requisite notice.
8. Applicant was represented by M. Joseph Clement, Esquire.
9. The following documents were offered by the Applicant and the Township, marked as indicated, and received into evidence:

T-1:	Application Packet
T-2:	Notification
T-3:	Proof of Publication
T-4:	Proof of Posting
T-5:	Proof of Mailing
T-6:	Montgomery County Planning Commission Letter
A-1:	Conditional Use Application
A-2:	Deed
A-3:	Assessor’s Property Record
A-4:	Google Aerial
A-5:	Conceptual Site Plan
A-6:	Photographs

A-7: CV of Richard C. Mast

A-8: Review Letter from Richard Collier to James Blanch & Travis DeCaro dated July 31, 2025

10. Richard Mast, Project Engineer for the Applicant, offered the following testimony at the hearing:

- a. The Subject Property currently contains one (1) home on the property.
- b. The Subject Property fronts North Wales Road & Skippack Pike and is accessible from Skippack Pike.
- c. Applicant proposes the addition of four (4) new homes with entry access from the nearby Sam Lane.
- d. Applicant currently holds an agreement with the adjacent property owner, Deer Hollow Estates, to allow an extension of the Sam Lane cul-de-sac to provide primary access to the four (4) new homes, as well as secondary access for the existing home.
- e. Applicant understands and accepts that they must proceed through the land development and planning process with a preliminary and final land development plan, at which time they plan to address any issues related to land development.
- f. The additional dwelling units will create a density of 2.68 dwelling units per acre.

- g. Applicant plans to include some form of stormwater management to the area at the end of the Sam Lane cul-de-sac.

DISCUSSION

1. Pursuant to § 160-85.1 of the Ordinance, “the open space design option may be used after obtaining a conditional use from the Board of Supervisors [...] [and requires that] the total number of dwelling units [...] shall be 2.5 dwelling units per developable acre.”
2. The dimensional regulations for a use in the R – 7 Residential District, which include area, width, lot coverage, building height, density, yard requirements, parking, buffering of parking and building standards, are found with Section §160-83 of the Ordinance.
3. Further dimensional regulations for this specific Conditional Use can be found within Section §160-85.1(A) & (B).
4. “A [conditional use] is not an exception to the zoning ordinance, but rather a use to which the applicant is entitled provided the specific standards enumerated in the ordinance for the [conditional use] are met by the applicant.” In re AMA/Am. Mktg. Ass'n, Inc., 142 A.3d 923, 934 (Pa. Commw. Ct. 2016).¹
5. An applicant is entitled to a conditional use as a matter of right, unless it is determined “that the use does not satisfy the specific, objective criteria

¹ “Because the law regarding conditional uses and special exceptions is virtually identical, the burden of proof standards are the same for both.” In re Thompson, 896 A.2d at 670.

in the zoning ordinance for that conditional use.” In re Drumore Crossings, L.P., 984 A.2d 589, 595 (Pa. Cmwlth. 2009).

6. An Applicant for conditional use has the burden to demonstrate compliance with the specific criteria of the ordinance. In re Thompson, 896 A.2d 659 (Pa. Commw. Ct. 2005).
7. Where an Applicant proves that the proposed use complies with all the specific standards required for granting a conditional use, it enjoys a presumption that such use is not adverse to the public health, safety and welfare. Mehring v. Zoning Hearing Bd. of Manchester Twp., 762 A.2d 1137, 1141 (Pa. Commw. Ct. 2000).
8. In such instances, a conditional use may not be denied unless the opponents have demonstrated that a grant of the conditional use would have a detrimental impact on the public health, safety or welfare. Mann v. Lower Makefield Twp., 634 A.2d 768, 771 (Pa. Commw. Ct. 1993)
9. Where there is opposition to an application, “the objectors must establish a high degree of probability that the proposed use will adversely impact on the public interests.” Mehring, 762 A.2d at 1141.
10. However, there were no objectors to the Application; consequently, there is no evidence in the record to rebut the presumption.

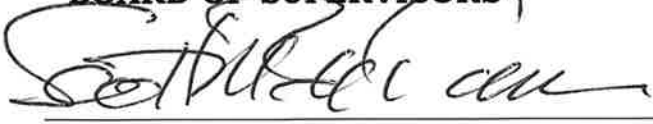
CONCLUSIONS OF LAW

1. Applicant sustained its burden of proof that its Application met the specific criteria of the Whitpain Township Zoning Ordinance.
2. All use and development allowed by any granted application shall conform to the exhibits and testimony presented at the hearing unless inconsistent with these conditions in which case these conditions take precedence.
3. Approval of the Application is subject to the Applicant's compliance with any requirements from any agency having jurisdiction over the matter in addition to all applicable codes and ordinances, including, but not limited to, the Whitpain Township Zoning Ordinance, the Whitpain Township Subdivision and Land Development Ordinance, and the Whitpain Township Building Code.
4. Approval of the Application is subject to Applicant agreeing to reimburse the Township for all fees and costs associated with the review of this plan account, including engineering and attorney fees, and to become current with all financial obligations to the Township.

ORDER

AND NOW, this 7th day of October, 2025, the Application, seeking conditional use approval for the construction of an additional four (4) single-family detached dwelling units, is **GRANTED**.

**WHITPAIN TOWNSHIP
BOARD OF SUPERVISORS**

By: 

SCOTT M. BADAMI, Chair

By: 

KIMBERLY J. KOCH, Vice-Chair

By: 

JEFFREY CAMPOLONGO, Secretary

By: 

JOYCE M. KELLER, Treasurer

By: 

SARA SELVERIAN, Assistant Secretary

A copy of this Decision and Order
was sent via E-mail or U.S. Mail
to all Parties on:

10-8-25

THIS DECISION AND ORDER OF THE WHITPAIN TOWNSHIP BOARD OF SUPERVISORS IS FINAL, AND ANY APPEAL OF IT MUST BE FILED WITH THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY WITHIN THIRTY (30) DAYS FOLLOWING THE ABOVE-STATED MAILING DATE.